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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 CLIMATEC LLC, an Arizona limited
14 liability company,

15 Plaintiff,

16 v.

17 K12 ENERGY SERVICES, LLC, a
California limited liability company;
18 BRADLEY CHAPMAN, an individual;
REGINA CHAPMAN, an individual,

19 Defendants.
20

Case No.: 15cv2806-L-WVG

EX PARTE APPLICATION TO FILE
DOCUMENTS UNDER SEAL

21 TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS
22 OF RECORD:

23 PLEASE TAKE NOTICE THAT, pursuant to the United States District Court
24 for the Southern District of California's ECF Policies and Procedures Manual, Section
25 II(j) and this Court's standing order for civil cases, Plaintiff Climatec LLC
26 ("Climatec" or "Plaintiff") makes this *ex parte* application for an order to seal:

27 1. Exhibits 1-3 to the Declaration of Steve Siverson filed in support of
28 Plaintiff's Motion for Preliminary Injunction.

1 Pursuant to this Court's standing order for civil cases, counsel for Plaintiff
2 attempted to meet and confer *via* telephone (counsel practice in different counties)
3 with counsel for Defendants, prior to the filing of this *ex parte* application. Counsel
4 for Defendants indicated they do not intend to oppose the instant *ex parte* application
5 to file the documents under seal; however, the Defendants have also intended that they
6 dispute that the documents are proprietary, confidential or trade secret information and
7 their intension not to oppose the *ex parte* application should not be deemed a waiver
8 of any argument that they may later make that the documents are not proprietary,
9 confidential or trade secret information. (*See*, Declaration of Gary Scalabrini, filed
10 concurrently herewith.)

11 This Application is based upon this Notice, the Memorandum of Points and
12 Authorities in support thereof, the Declaration of Steve Siverson filed in support of
13 Plaintiff's Motion for a Preliminary Injunction, Declaration of Gary E. Scalabrini, and
14 all of the pleadings and papers on file in this action, all matters of which the Court
15 may or must take judicial notice, such oral and documentary evidence as may be
16 presented at the hearing on this matter, and upon any other matters the Court may
17 deem just and proper.

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19 DATED: February 12, 2016

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

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21 By: /s/ Gary E. Scalabrini

22 Gary E. Scalabrini
23 Attorneys for Plaintiff
24 CLIMATEC LLC
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